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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,600	07/03/2001	Ravi Gauba	80398.P448	1960
7590 04/17/2007 Florin Corie BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			EXAMINER PENG, FRED H	
			ART UNIT 2623	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/17/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/898,600

Applicant(s)

GAUBA ET AL.

Examiner

Fred Peng

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-16,18-29 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16,18-29 and 31-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2623

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2006 has been entered.

**DETAILED ACTION**

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2, 4-16, 18-29 and 31-38 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-16, 18-29 and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitnik (US 6,160,570) in view of Lawler (US 5,758,259).

Regarding Claims 1, 12 and 28, Sitnik discloses an apparatus (FIG.2) with corresponding method and computer readable medium comprising:

a control module (FIG.2, -19, -30) to retrieve a detailed profile of a user and content information associated with a selected content file (Col 8 lines 19-27), and to select a play sequence of said selected content file based on said detailed profile and said content information (Col 4 lines 8-33, Col 5 lines 1-11, Col 8 lines 34-37); and

Art Unit: 2623

a presentation module (FIG.2, -14) to present said play sequence to said user (Col 3 lines 29-41, Col 9 lines 24-49),

wherein said control module modifies said play sequence if further selection input is received from said user in response to presenting said play sequence (Col 7 lines 47-51, Col 9 lines 5-10; in which Sitnik teaches the user can switch a previously selected commercial off/"zapping" which then causes a default commercial/presentation sequence to be displayed which (although not specifically disclosed) is a modification of the pre-selected play sequence in response to a further user input selection).

However, Sitnik fails to disclose a control module to generate an interactive list of content files for presentation to a user based on a profile of said user, to receive a selection input command selecting a content file from said interactive list.

In an analogous art, Lawler discloses a control module to generate an interactive list of content files for presentation to a user based on a profile of said user, to receive a selection input command selecting a content file from said interactive list (Col 4 lines 43-57).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Sitnik 's system to include a control module to generate an interactive list of content files for presentation to a user based on a profile of said user and receive a selection input command selecting a content file from said interactive list, as taught by Lawler for the added advantage of helping the viewer easily and quickly to identify and choose the preferred program among hundreds of programs.

Regarding Claim 13, Sitnik further discloses a storage module (12, 22, 24) to store the detailed profile of the user (Col 6, lines 37-60) and a plurality of content files including the selected content file (Col 5 lines 2-11; Col 3 line 64-Col 4, line 34; Col 5 lines 33-46).

Regarding Claims 2, 14, 15 and 29, Sitnik further discloses the control module receives an explicit input command from the user, the explicit input command requesting a change in the

Art Unit: 2623

play sequence of the selected content file (Col 8 lines 15-16; lines 25-26; lines 41-49; 55-61; in which a users inputs an explicit request to insert an alternative image, e.g., an ad for a preferred team), and further selects a modified play sequence of the selected content file based on the explicit input command (Col 8 lines 2-62).

Sitnik further anticipates the presentation module further presents the modified play sequence to the user (Col 8 lines 35-52; Col 3 lines 29-41; Col 9, lines 24-49).

Regarding Claim 16, Sitnik further discloses the control module retrieves the profile of the user and the plurality of content files from the storage module and selects at least one content file of said plurality of content files based on said profile of said user (Col 5 lines 33-46; Col 4 lines 53-59; Col 8 lines 1-18).

Regarding Claims 4, 18 and 31, Sitnik further discloses the selected content file comprises audio/video data (Col 9 lines 24-43; Col 3 lines 51-64).

Regarding Claims 5, 19 and 32, Sitnik further discloses the content information (synchronized video signals) associated with the selected content file comprises a description of the selected content file (control data) (Col 5 lines 57-Col 6 line 3) and news (identification data reads on news/current information) related to the selected content file (Col 3 lines 66-Col 4 line 7).

Regarding Claims 6, 20 and 33, Sitnik further discloses the selected content file comprises a plurality of content segments (alternative images) (Col 3 line 60-Col 4 line 11), each content segment of the plurality of content segments having associated segment information (identification data) within the content information (Col 3 line 64-Col 4 line 7; Col 5 lines 4-11).

Regarding Claims 7, 21 and 34, Sitnik further discloses the control module processes the segment information of the each content segment and the profile of the user to match the segment information with the profile, and selects a predetermined number of content segments from the plurality of content segments in a predetermined order to form the play sequence (Col 6 lines 30-37; Col 7 lines 31-40; Col 8 lines 19-34).

Regarding Claims 8, 22 and 35, Sitnik further discloses the play sequence comprises a predetermined number of content segments of the selected content file in a predetermined order and the modified play sequence further comprises the predetermined number of content segments in a modified order requested by the explicit input command (Col 8 lines 24-52).

Regarding Claims 9, 23 and 36, Sitnik further discloses the control module selects advertising material based on the profile of the user and the presentation module further presents the advertising material to the user together with the play sequence of the selected content file (Col 8 lines 35-52; Col 9 lines 10-56; Col 4 lines 8-34).

Regarding Claim 24, Sitnik further discloses the profile of the user is stored in a profile storage area of the storage module (Col 6 lines 37-43).

Regarding Claim 25, Sitnik further discloses the plurality of content files is stored in a content storage area of the storage module (Col 5 lines 2-10 & lines 51-61).

Regarding Claims 10, 26 and 37, Sitnik further discloses the explicit input command requests presentation of at least one advertisement to the user (Col 8 lines 34-52 & 55-62; Col 9 lines 24-49).

Art Unit: 2623

Regarding Claims 11, 27 and 38, Sitnik further discloses the control module selects the at least one advertisement based on the explicit input command and the presentation module presents the at least one advertisement to the user (Col 8 lines 35-52 & 55-62; Col 8 lines 15-18).

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 08:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
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